

REMARKS

The Examiner has required election among the following groups of claims:

Group I: Claims 117-118, 126, drawn to a method of diagnosis by assessing the level of EOPA protein expression using an immunoassay;

Group II: Claims 117, 119, 120, drawn to a method of diagnosis by assessing the enzymatic activity of EOPA via hydrolysis;

Group III: Claims 117,119, 121, 122, drawn to a method of diagnosis by assessing the enzymatic activity of EOPA via a fluorogenic peptide substrate;

Group IV: Claims 117, 123-125, drawn to a method of diagnosis by assessing the binding of Lis 1 or Disc 1 to EOPA;

Group V: Claim 117, drawn to a method of diagnosis by assessing the level of EOPA mRNA expression using an immunoassay;

Group VI: Claims 127, 128, drawn to a method for identifying a compound comprising measuring the activity of EOPA by hydrolysis in the presence or absence of the compound;

Group VII: Claims 127, 129, drawn to a method for identifying a compound Comprising measuring the activity of EOPA by a fluorogenic peptide substrate in the presence or absence of the compound;

Group VIII: Claims 131, 132, drawn to a method for identifying a compound comprising measuring the binding of Lis 1 or Disc 1 to EOPA in the presence or absence of the compound;

Group IX: Claims 133-136, 139, drawn to a peptide having activity of an inhibitor of EOPA and a method of using such for inhibiting EOPA activity; and

Group X: Claims 137,138,drawn to an antibody that specifically binds to EOPA.

Applicants hereby elect, with traverse, the claims 117-118 and 126 of Group I for prosecution in the present application.

For election of Group I, the Examiner has further required an election of species of a disease to be diagnosed must be selected. **Applicants hereby elect schizophrenia as the disease to be diagnosed.** Applicants understand that this election of species is only a starting point for examination. If the Examiner finds the elected species to be patentable, then further species will be considered with an eye toward determining whether the generic claims are patentable.

All of claims 117-126 are generic as to the elected species.

Applicants note the Examiner's determination that claim 117 is a linking claim that may join Groups I-V if patentable. As the Examiner has also required election of species for the further groups II to VI as to a particular substrate to be hydrolyzed, Applicants at this time elect the peptide recited in claim 122, so as to expedite examination of the linked groups if possible.

Applicants traverse the standing restriction requirement. The present application is a national stage application of international application PCT/2003/000189. Under Rule 13.1, unity of invention is to be found if all of the claims considered recite a common technical feature that represents an invention over the prior art. In the particular instance, the Examiner has asserted that Camargo et al. disclose an antibody to EOPA, but not a peptide that inhibits EOPA activity. Applicants are not certain how this relates to analysis of any "special technical feature", but nonetheless assert that the "special technical feature" that links the present claims is the finding that EOPA plays a role in brain development/function and thus that abnormality in EOPA expression is diagnostic of one or more of the several conditions recited in claim 117. The other groups of inventions II-X all relate to different aspects of this finding, and therefore, there is a special technical feature that joins all of groups I-X, or at least that joins groups I-IX (in view of the Examiner's assertion that an antibody to EOPA is not inventive over Camargo et al.). Applicants therefore request reconsideration of the Restriction Requirement for rejoinder of one or more of Groups I-IX for examination in the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dr. Mark J. Nuell, Registration No 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- Attached is a Petition for Extension of Time.
- Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: **OCT 12 2007** Respectfully submitted,

By Mark J. Nuell
Mark J. Nuell
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicants